

**MINUTES OF THE CITY COMMISSION MEETING
MONDAY, NOVEMBER 13, 2012**

The City of Leesburg Commission held a regular meeting Monday, November 13, 2012, in the Commission Chambers at City Hall. Mayor Henderson called the meeting to order at 5:30 p.m. with the following members present:

Commissioner John Christian
Commissioner David Knowles
Commissioner Bill Polk
Mayor Sanna Henderson

Commissioner Lewis Puckett was absent. Also present were City Manager (CM) Jay Evans, City Clerk (CC) Betty Richardson, City Attorney (CA) Fred Morrison, Deputy City Clerk (DCC) Andi Purvis, the news media, and others.

Fire Chief Kevin Bowman gave the invocation followed by the Pledge of Allegiance to the Flag of the United States of America.

PROCLAMATIONS: None

CERTIFICATION OF RESULTS OF THE NOVEMBER 6, 2012 ELECTION

CC Richardson announced the Election results, certified by Emogene W. Stegall, Supervisor of Elections; Jennifer Hill and Sean Parks, Members of the Board of County Commissioners; and Terry T. Neal, County Judge on November 6, 2012. The results are as follows:

Leesburg City Commission Seat 1, District 1

	<u>Votes</u>	<u>Percentage</u>
William P. Floyd Jr.	816	38.56%
Trueman "Jay" Hurley, II	1,300	61.44%

Leesburg City Commission Seat 3, District 3

	<u>Votes</u>	<u>Percentage</u>
Mary J. Cochran	1,556	48.00%
Elise A. Dennison	1,686	52.00%

Proposed Changes to City Charter

	<u>Votes</u>
YES	4,774
NO	3,038

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Economic Development Property Tax Exemptions For New Business And Expansions Of Existing Businesses

Votes

YES	4,618
NO	3,286

Mayor Henderson introduced newly elected City of Leesburg Commissioner Elise Dennison.

PRESENTATIONS:

HEARD SLEEPY HOLLOW UPDATE BY BRUCE ERICSON, RECREATION AND PARKS DIRECTOR

Recreation and Parks Director (RPD) Ericson stated he did not have a formal presentation and is looking for direction from the Commission. Budgeted in the Fiscal Year 2012-13 are 3.17 Maintenance Worker 1 positions with two of those frozen for most of last year and operations has kept the grass mowed at Sleepy Hollow, but these positions are included in this budget. RPD Ericson said he is looking for direction to be able to fill these two positions. With all three positions filled, Sleepy Hollow could be re-opened and again have tournaments and all City programs restored with the exception of adult softball. RPD Ericson stated with only one staff member, the grass will still get cut to avoid code violations as they are doing now.

Commissioner Polk stated he would also like to see Parks and Recreation be proactive in trying to get people out to use and rent Sleepy Hollow.

Commissioner Polk made motion to hire two Maintenance Worker 1 positions in Parks and Recreation and Commissioner Knowles seconded the motion.

Commissioner Christian stated he went to Tavares and saw the big sports complex and hopes Leesburg can move towards having Sleepy Hollow operate in cooperation with tournaments in Lake County and bring revenue to the City.

The roll call vote was:

Commissioner Polk	Yes
Commissioner Christian	Yes
Commissioner Knowles	Yes
Mayor Henderson	Yes

Four yeas, no nays, the Commission approved hiring of two new Maintenance Worker 1 positions in the Parks and Recreation Department.

Mayor Henderson asked if a website will be done for Sleepy Hollow like the City has for the Lightning and stated this may be a good idea to attract people.

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RPD Ericson stated tournament sponsors use websites like those and Xclent Design (Billy and Fred Nendza) have offered to do a website for Sleepy Hollow for free.

Mayor Henderson asked if the City will still have to pay for the name.

RPD Ericson stated yes it will be \$300 per year. t Xclent Design will design the website and set it up, but the City can add items or change things around. RPD Ericson also stated there are tournament sponsors waiting to hear from the City regarding using Sleepy Hollow and a meeting is set for Thursday with a new group, Nations Baseball.

Commissioner Christian left the meeting at 5:38 p.m.

Mayor Henderson suggested getting local businesses to help sponsor.

RPD Ericson stated to bring in revenue, the City can offer the concession stand to the tournament organizers for a fee to do their own concessions for the tournaments. RPD Ericson also stated most tournament organizers will hire people to work their tournaments and several times it is the people who work at the park, but the tournament hires and pays them so the employee expenses do not hit the City budget.

Commissioner Knowles asked if there is any equipment currently in the concession stand.

RPD Ericson stated he thinks just the basics: refrigerator, ice machine, and popcorn machine.

Commissioner Polk suggested talking to civic organizations to see what they might be willing to do to help.

RPD Ericson stated he is trying to convince the Boosters to do the concessions since they do such a good job at Pat Thomas field.

Carol Ann VanDyken stated she is in support of Mr. Ericson in reopening Sleepy Hollow and appreciates the opportunity to fill these positions. Mrs. VanDyken also wanted everyone to keep in mind the City did not open Parks & Recreation as a way to make revenue, it was created because of the over flow at Susan Street.

Commissioner Polk stated the reason the City is trying to make revenue is for programs to be basically free for the other kids. The City is not trying to make revenue on everything out there. The City is trying to open the park so it can be rented and make enough money to keep it open because of the economic downturn. The City is not trying to make revenue from the little kids.

Commissioner Knowles stated he agrees with Commissioner Polk, there is no way the City can make \$380,000 at Sleepy Hollow even if it charged a \$1,000 per child per game.

Mrs. VanDyken stated she understands the bad economic times but on the same token the City is spending \$50,000 to renovate the front of City Hall to make it safer for the

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employees as people come in to do utility transactions. As a tax payer and resident of Leesburg, she said "I ask myself do we have our priorities screwed up, shouldn't this \$50,000 be invested in Sleepy Hollow."

Commissioner Polk stated the City may have gotten into a bind so it needs to bring in revenues to create programs for all our children.

CONSENT AGENDA:

Pulled Items:

4c2 – Execute Civic Organization Funding Agreements.

4c6 - Agreement with Florida Municipal Electric Association to represent Florida Cities in settlement discussions with Progress Energy Florida (PEF) regarding Crystal River Unit 3 (CR3) nuclear power plant negotiations.

Minutes of the regular meeting held September 24, 2012.

Commissioner Knowles moved to adopt the Consent Agenda except for 4.C.2, 4.C.6, and the minutes from September 24, 2012, and Commissioner Polk seconded the motion.

The roll call vote was:

Commissioner Knowles	Yes
Commissioner Polk	Yes
Commissioner Christian	Absent
Mayor Henderson	Yes

Three yeas, no nays, the Commission adopted the Consent Agenda, as follows:

CITY COMMISSION MEETING MINUTES:

Regular meeting held October 8, 2012

PURCHASING ITEMS:

Purchase request 45126 to Siemens Industries, Inc. for the annual purchase of hydrogen peroxide for \$25,000.00.

Purchase request 45164 to Allied Universal Corporation for FY 2013 Liquid Sodium Hypochlorite water treatment chemicals for \$114,940.00.

Purchase request 45166 to Allied Universal Corporation for FY 2013 Chlorine Gas water treatment chemicals for \$45,000.00.

RESOLUTIONS:

RESOLUTION 9108

Resolution authorizing an easement agreement between Macerich Lake Mall, LLC, and the City of Leesburg (Easement is on the North Side of the Mall, East of Radio Rd--New Radio Tower).

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RESOLUTION 9109

Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute task order no. 22 with Jones Edmunds, Inc., for services related to municipal landfill compliance gas and groundwater monitoring for fiscal year 2013 for \$32,610.00; and providing an effective date.

RESOLUTION 9110

Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute Task Order Number 2 with Booth & Associates, Inc. for engineering and commissioning services related to the Fault Detection Isolation Restoration project at the airport substation for a total of \$54,850.00; and providing for an effective date.

RESOLUTION 9111

Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a Master Service Agreement with Lifestream Behavioral Center, Inc. for the provision of communications services; and providing an effective date.

RESOLUTION 9112

Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a short-term lease agreement with DRJ Silver Lake Holdings, LLC, for land located at 8735 U.S. Highway 441, and providing an effective date.

RESOLUTION 9113

Resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute a short-term lease agreement with DRJ Silver Lake Holdings, LLC, for land located at 8735 U.S. Highway 441, and providing an effective date.

ADOPTED RESOLUTION 9114 AUTHORIZING THE EXECUTION OF CIVIC ORGANIZATION FUNDING AGREEMENTS

Commissioner Polk introduced the resolution to be read by title only. CC Richardson read the resolution by title only, as follows:

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY
CLERK TO EXECUTE CIVIC ORGANIZATION FUNDING
AGREEMENTS WITH BOYS AND GIRLS CLUB OF LAKE &
SUMTER COUNTIES, INC., CHRISTIAN CARE CENTER, DABNEY
MINATEE HERITAGE GROUP, INC., EARLY LEARNING
COALITION OF LAKE COUNTY, HAVEN OF LAKE & SUMTER
COUNTIES, HOSPICE FOUNDATION OF LAKE & SUMTER, INC.
D/B/A CORNERSTONE HOSPICE, INC., LAKE COMMUNITY
ACTION AGENCY, LEESBURG AREA CHAMBER OF COMMERCE,
LEESBURG CENTER FOR THE ARTS, LEESBURG HIGH SCHOOL

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BAND PARENTS, INC., LEESBURG HIGH SCHOOL PROJECT GRADUATION, LEESBURG PARTNERSHIP, INC., LIFESTREAM BEHAVIORAL CENTER, INC., MEN OF DISTINCTION/LEESBURG, INC. AND MISS LEESBURG SCHOLARSHIP PROGRAM.; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Knowles moved to adopt the resolution and Commissioner Polk seconded the motion.

Commissioner Christian returned to meeting at 5:46 p.m.

Mayor Henderson requested comments from the Commission and the audience.

Commissioner Christian stated he would abstain from voting as he is a member of Men of Distinction.

Commissioner Polk stated he is a one hundred percent Hospice donator and gives every time he has the opportunity, but stated Hospice is no longer a local entity; they are a great organization to give money to but have grown to be a massive money making operation and he does not think the City needs to continue its \$684.00 contribution.

Mayor Henderson stated she is sure a great number of people in Leesburg use Hospice.

Commissioner Polk stated he knows people use Hospice, but they are way better off financially than the City of Leesburg and they have a huge amount of money in the bank and the City does not.

Commissioner Christian stated he thinks several of these organizations, not just Hospice, like the Early Learning Coalition and maybe Lake Community Action Agency, take what money the City gives them and matches the amount with Federal dollars. The City used to have the organizations come before the Commission to give their information and the Commission deferred this to the City Manager to relay to the Commission how the funds are used. Commissioner Christian stated he has served as a representative for Lake Community Action Agency and knows they take the City dollars to subsidize care for kids. He agrees with Commissioner Polk that Hospice does make money and can bill Medicare or Medicaid, but they also may use those dollars for children's therapy. Commissioner Christian stated he knows several of these organizations leverage those dollars to bring more money into the Leesburg community.

Mayor Henderson stated this is the same amount as the past few years before the City started lowering it.

CM Evans stated last year the City held constant with this amount as the past three years. He stated there were a few years when the City was reducing ten percent per year and then the Commission said to hold the line.

Commissioner Knowles stated both his mother and mother-in-law used Hospice and they were very handy but if the motion is made, he will second it to remove them.

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Mayor Henderson stated Hospice does not ask if anyone can pay for services before they take them in.

Commissioner Polk stated it is a great organization, but what was once a local group is now a multi-million dollar operation which has way more money than the City of Leesburg.

Commissioner Polk moved to discontinue funding to the Hospice Foundation of Lake & Sumter, Inc. d/b/a Cornerstone Hospice, Inc., and Commissioner Knowles seconded the motion.

The roll call vote was:

Commissioner Polk	Yes
Commissioner Christian	Yes
Commissioner Knowles	Yes
Mayor Henderson	Yes

Four yeas, no nays, the Commission discontinued funding to the Hospice Foundation of Lake & Sumter, Inc. d/b/a Cornerstone Hospice, Inc.

Public Comments:

Mrs. VanDyken stated over three years, the money has not changed in every single organization listed and looking at the list there are two Christian based organizations receiving money from the City. Mrs. VanDyken asked why the City would give money to the Baptist Church or to Christian Worship Center, but not give money to any other churches in this community as every church in this community is helping others so to pick out two churches out of every church in Leesburg and give money to them and not the others does not seem right.

Mayor Henderson stated the Commission did not pick them; they came to the City with presentations several years ago.

Mrs. VanDyken asked why the City would use the same organizations year after year.

Commissioner Knowles answered they came to the City and presented their programs which no other churches did.

Mrs. VanDyken asked so just because there is a list from three years ago, the City automatically determines they get money the next year.

Mayor Henderson stated they do turn in reports every year explaining what they are using the funds for and why it is needed.

Mrs. VanDyken asked if there were any representatives from these organizations present.

Commissioner Knowles stated the Commission advised them they did not need to attend.

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Mrs. VanDyken stated she is a tax payer and this is her tax money and these organizations need to present why they need the money, how it is being spent, and be accountable as this is how it works in everything else.

CM Evans stated back in 2007 when the City first started having financial problems, the Commission wrestled with additional groups coming to the City wanting funding and it is a very difficult position for an elected body to say no to some groups and yes to others. Basically, the City's financial issues at the time were enough reason for the Commission to say it is holding the line and no new organizations need apply; the ones currently being helped will continue to receive funding as long as the City can, but funds will be decreasing ten percent per year up until two years ago. The Commission also decided it did not want presentations each year because they would get the same presentation every time as these good folks were providing the same services. These organizations do present the City with a financial report when they make their request for the following year and as long as they continue to provide those services, the Commission has said we do not need to hear the same presentation every year.

Mrs. VanDyken said she feels like it is her money being spent every year and just being rolled over now three years in a row to the same organizations and she is sure there are other organizations that could use this money as well. Mrs. VanDyken stated she is not arguing some of these are probably great organizations, she is not arguing they are doing something wrong with the money, but as a tax payer and a citizen, she deserves to know where the money is being spent. Mrs. VanDyken said she feels there is a conflict of interest on the board with one of these organizations, Dabney Minatee Heritage group, which she looked up and finds they are incorporated in Fruitland Park which is totally confusing. When it comes to a church we all belong to different churches and use our time, talents and treasures to work at that church to help the community and Mrs. VanDyken does not think it is right for any church to come to her City organization and hold a gun saying I need your tax dollars to support my cause.

Commissioner Christian stated for the record Mrs. VanDyken had named Christian Worship Center as a listed organization and it is nowhere on the list. Men of Distinction is on this list, founded February 3, 1997, but Christian Worship Center, founded in 2000, is nowhere on the list. Commissioner Christian stated Men of Distinction was founded when he was a citizen who came to the podium and told this Commission the City needed more for Pine Street and the area youth and no one held a gun to anyone. Men of Distinction believes African American men can do positive things for their community and for the last ten years, they have done several things for City, like mentoring, summer and musical programs.

The roll call vote was:

Commissioner Christian	Abstain
Commissioner Knowles	Yes
Commissioner Polk	Yes
Mayor Henderson	Yes

Three yeas, one abstain, the Commission adopted the resolution.

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ADOPTED RESOLUTION 9115 AUTHORIZING EXECUTION OF A REVISED AGREEMENT WITH FLORIDA MUNICIPAL ELECTRIC ASSOCIATION TO REPRESENT FLORIDA CITIES IN SETTLEMENT DISCUSSIONS WITH PROGRESS ENERGY FLORIDA (PEF) REGARDING CRYSTAL RIVER UNIT 3 (CR3) NUCLEAR POWER PLANT NEGOTIATIONS

Commissioner Polk introduced the resolution to be read by title only. CC Richardson read the resolution by title only, as follows:

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A REVISED AGREEMENT WITH FLORIDA MUNICIPAL ELECTRIC ASSOCIATION TO REPRESENT FLORIDA CITIES IN SETTLEMENT DISCUSSIONS WITH PROGRESS ENERGY FLORIDA (PEF) REGARDING CRYSTAL RIVER UNIT 3 (CR3) NUCLEAR POWER PLANT NEGOTIATIONS; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Knowles moved to adopt the resolution and Commissioner Polk seconded the motion.

Mayor Henderson requested comments from the Commission and the audience.

Commissioner Polk stated he will be attending a meeting Tuesday and Electric Director (ED) Paul Kalv will be attending a meeting Thursday and this will be under discussion and has been discussed for quite some time and is what needs to happen. ED Kalv agreed.

The roll call vote was:

Commissioner Knowles	Yes
Commissioner Polk	Yes
Commissioner Christian	Yes
Mayor Henderson	Yes

Four yeas, no nays, the Commission adopted the resolution

OTHER ITEMS: None

FIRST READING OF AN ORDINANCE ACCEPTING A UTILITY EASEMENT FROM MORRISON UNITED METHODIST CHURCH, INC. PERTAINING TO LAND LOCATED IN SECTION 26, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA (NEAR 9TH STREET AND MAIN ST)

Commissioner Knowles introduced the ordinance to be read by title only. CC Richardson read the ordinance by title only, as follows:

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AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, ACCEPTING A UTILITY EASEMENT FROM MORRISON UNITED METHODIST CHURCH, INC., AS GRANTOR, TO THE CITY OF LEESBURG, AS GRANTEE, PERTAINING TO LAND LOCATED IN SECTION 26, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (near 9th Street and Main St).

Mayor Henderson requested comments from the Commission and the audience. There were none.

FIRST READING OF AN ORDINANCE ACCEPTING A UTILITY EASEMENT FROM WILLIAM K. GALBREATH PERTAINING TO LAND LOCATED IN SECTION 5, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA (CR 466A, FRUITLAND PARK)

Commissioner Christian introduced the ordinance to be read by title only. CC Richardson read the ordinance by title only, as follows:

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, ACCEPTING A UTILITY EASEMENT FROM WILLIAM K. GALBREATH, AS GRANTOR, TO THE CITY OF LEESBURG, AS GRANTEE, PERTAINING TO LAND LOCATED IN SECTION 5, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (CR 466A, Fruitland Park)

Mayor Henderson requested comments from the Commission and the audience. There were none.

FIRST READING OF AN ORDINANCE ACCEPTING AN ASSIGNMENT OF EASEMENT FROM SUMTER ELECTRIC COOPERATIVE, INC., PERTAINING TO LAND LOCATED IN SECTION 5, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA (CR 466A, FRUITLAND PARK)

Commissioner Knowles introduced the ordinance to be read by title only. CC Richardson read the ordinance by title only, as follows:

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, ACCEPTING AN ASSIGNMENT OF EASEMENT FROM SUMTER ELECTRIC COOPERATIVE, INC., AS GRANTOR, TO THE CITY OF LEESBURG, AS GRANTEE, PERTAINING TO LAND LOCATED IN SECTION 5, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (CR 466A, Fruitland Park)

Mayor Henderson requested comments from the Commission and the audience. There were none.

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Mayor Henderson introduced newly elected City of Leesburg Commissioner Jay Hurley.

INFORMATIONAL REPORTS:

Year End Write offs Fiscal Year 2010-2011

Commissioner Christian commended staff on a job well done.

CITY ATTORNEY ITEMS:

None

CITY MANAGER ITEMS:

Discussion of FGUA acquisition of Aqua Utilities' water systems in Florida

CM Evans stated he asked Public Works Director (PWD) Ray Sharp to prepare a very brief presentation with regard to Aqua Utilities, the largest private provider of Water and Wastewater systems in the State of Florida, the successor to Florida Water. Quite often you hear Aqua Utilities in the news and not usually for the best reasons. There is an organization, FGUA, which is talking about acquiring all Aqua Utilities' assets in Florida and what does this mean to the City if anything. PWD Sharp stated this actually does not mean very much to the City at all as all Aqua Utility facilities or systems are presently outside the City limits.

Mayor Henderson asked about colors on map provided and which were within the City's service area.

PWD Sharp stated these colors are the City's service area and each named facility presently owned by Aqua Utilities illustrated on the map within our service area ,but not within the City limits. Florida Governmental Utility Authority, FGUA, is formed as a Chapter 163 organization formed by local agreements with six counties operating it. CM Evans stated Aqua Utilities of Florida is proposing to sell their holdings in the State of Florida to FGUA on an all or nothing basis with an offer made. Aqua Utilities is asking \$104 million dollars as purchase price and FGUA is willing to propose less than \$95 million dollars, so they have some negotiating to do. One of the provisions, the reason this comes before the City and eventually before the Lake County Board of Commissioners, is Chapter 163 says the utility authority has to give notice to the host government if they are going to expand in any way which is to avoid any conflict between two different governments often exactly the same services within the same service area. FGUA has given notice to the Board of County Commission of their acquisition and the Board of County Commissioners will have a resolution on their November 20th agenda to approve this acquisition. PWD Sharp stated the County Commissioners have basically three options: 1) approve; 2) deny (which the case stops all together); or 3) take no action and then under Chapter 163 taking no action is considered to be approval. In so far as Leesburg is concerned, we do not incur any obligations whatsoever now or in the future to own, operate, maintain or otherwise have anything to do with these utilities. FGUA expects for at least five years, they will end up

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having to do their own ownership and operation as a function of their funding mechanisms for their bond covenants and restrictions in order to secure the bonds for their bond holders. It will be at least five years before FGUA can even consider being in position to sell or dispose of any of these utilities.

Mayor Henderson asked what any of these subdivisions would have to do if they wanted to join the City.

PWD Sharp stated right now they cannot as the utility is currently owned by Aqua Utilities of Florida and will continue to be until Aqua disposes of them.

Commissioner Knowles stated it would be Aqua Utilities' decision not the residents' decision.

PWD Sharp stated as far as the utility is concerned, that is correct. The City can annex if the residents wish to do so, but this will not have an effect on the utility service itself. There is another potential bidder for Aqua Utilities which FGUA informed the City in a meeting Friday, a private investment utility is also interested in acquiring Aqua Utilities. It is probably better to have FGUA inquire Aqua Utilities for those customers, but none the less there may be another potential bidder in the mix as well. PWD Sharp stated again there is no obligation on the part of the City, this is just information only so the Commission will know FGUA is proposing to acquire the utilities and most importantly Aqua Utilities will sell to somebody.

Mayor Henderson stated she used to hear a lot of complaints about Aqua Utilities, such as it was not nearly as good as Leesburg, but has not heard anything for some time so maybe they are doing better.

PWD Sharp stated Aqua Utilities had a rate hearing before the Public Service Commission not too long ago and there were a number of complaints in terms of quality and the cost of service and PSC actually only awarded about one third of the rate increase requested and soon after Aqua Utilities decided to leave the State of Florida.

Discussion of Florida League of Cities Draft 2013 Legislative Priorities

CM Evans stated these type of things get drafted with input from local cities and governments. They do not always necessarily solicit our input directly, but this time the Lake County League of Cities did ask to see if there was anything in particular the City wanted to make sure the priority rose to the top of the list. It seems to be the consensus amongst everyone municipal Police Officer and Firefighter pension plan disability presumptions really seemed to be the top priority just in terms of meeting legislature reform and its fairly broad language they have in regard to that, but this is the thing which seems to be rising to the top and just wanted to list any feedback you as the Commission might have about other areas which are important to see on the list. CM Evans stated if asked for his feedback of course that would be #1; #2 Economic Development: Small Business Incentives; #3 Water; #4 Energy; and perhaps #5 could be Communication Services. CM Evans stated some other issues to not apply to the City like the Neighborhood Improvement Districts as Leesburg does not have any.

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Mayor Henderson asked what a Neighborhood Improvement District is and if it is different from a CRA.

CM Evans stated he honestly had to look it up and it appears to be a redevelopment tool like he has never seen before where you can have enhanced services; for example enhanced police enforcement where you actually have an assessment district, like a CRA, only it would pay for extra Police in a community perhaps experiencing too much crime. This seems to be the most predominant use.

Commissioner Polk asked is this what they are trying to establish if it is not taking place right now.

Mayor Henderson asked if they can issue bonds. CM Evans stated this protects their ability to issue bonds because it is like a CRA, a bondable revenue stream, and they would like for the State to authorize those districts to actually issue bonds in order to make investments in the community and promote safety, health and general welfare.

Commissioner Knowles asked if the City would have to develop if it did not have one. CM Evans stated no, but it did raise his interest and there are not many in the State of Florida.

Commissioner Polk asked if it just enables Cities to borrow money. CM Evans stated it would enable people with those districts to actually issue bonds.

Mayor Henderson asked CM Evans if where he looked this information up if it named the Cities who have these districts. CM Evans stated yes, there is a list out there.

Allan Shaffer, Professional Firefighter of Leesburg, Local 2957, stated he would speak against any legislation to change or modify the presumption which currently puts the burden of proof on a healthy firefighter that he may have gotten Tuberculosis somewhere other than on the job.

Mayor Henderson asked for clarification.

CM Evans stated there is what is known as the heart and lung presumption and in the case where a municipal police officer or firefighter contracts hyper tension, tuberculosis or heart disease it is presumed to be work related and perhaps it lies in the face of being a genetically predisposed family history. I do not think there is any doubt these things can be work related but this is a presumption and then it is the burden of the City to somewhat go after the police officer or firefighter and prove it was something else. This is a piece of legislation which has been very troubling to municipalities because individuals can get total disability and it is presumed to be work related and then the local government has to bear the burden.

Mayor Henderson asked if this is something trying to be made law or is law now.

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CM Evans stated this has been law, but is only part of the reform they are talking about and is something the Florida League of Cities has had on their radar along with the minimum benefit provisions and the distribution of the insurance premium tax revenues of the Police Department and Fire unions which with help of former Governor Jeb Bush, who locked down those premiums where they could not be used to offset new City obligations for funding the pension plans, it had to go to pay for extra benefits. So you could have a City with a three or four percent multiplier, a very good generous pension plan, and rather than offsetting the cost with these growing insurance premium tax monies, the City has to provide extra benefits. So there is money being distributed above and beyond what is in the pension plans as a result of this legislation and ever since the League of Cities has also had on its radar to help relieve some of the burden of funding the pension plans for local governments.

Mr. Shaffer stated just to address the last comment, that interpretation has just recently changed and he thinks you may see changes coming up. Of course, the Fire Department is under contract for two more years and Mr. Shaffer thinks at the end of the contract their pension issues are not going to be anything to talk about. Mr. Shaffer also stated he would be happy to sit down with anyone and go over any of the pension information.

CM Evans thanked Mr. Shaffer and stated he is absolutely right; there is an administrative interpretation from the Department of Revenue which would seem to reverse this and we do not know if it will be challenged or what will happen. Of course the League would like to see it legislatively done but there is this interpretation which could undue that.

Bond Issue Update

CM Evans stated the City has hit a bump in the road on the way to refinancing its two bond issues; it is something called a DSDA, Debt Service Deposit Agreement, and the Commission will be getting a full presentation on November 26th from Mr. Larson and Mr. Spinelli, both of whom are attending a training conference this week. Essentially in 2005 not long after the 2004 bond issuance the City went back with an instrument called a DSDA for \$925,475 in cash additional funding from projects which were on the list in exchange for future debt service payments going to Wachovia, now Wells Fargo. Typically you would set up a debt service schedule and every six months make a payment on the debt service. From an accounting perspective every month one twelfth is put aside and if you then instead send it to Wachovia they take the money, invest it, make interest off it, and make their projections and say they will give the City \$925,000 in exchange for being able to use this money; kind of a way for the City to get extra money based on the potential interest earnings the bank projected. In 2009 when the City did a refinancing it got an amendment to the DSDA because it is kind of locked into those bonds and at the time did not care about doing an amendment just to change refinancing. This time Wells Fargo wants to get rid of these so the City needs to pay it off now and the payoff is 1.39 million dollars based on the present value of the future debt service payments. The 1.39 million would have to be taken out of cash, granted you have greater than that in expected savings from the refinancing but it does water it down. The City could possibly roll the financing or do nothing and lose the potential savings, CM

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Evans stated he just wanted to introduce the Commission to this topic because it is a little bit confusing and something the City did not expect.

Commissioner Knowles stated so the City would not have a DSDA anymore.

CM Evans stated this is correct it would go away unless the City were to issue bonds in which case the DSDA would remain in place.

Commissioner Knowles asked with the savings and SunTrust allowing the City to do this, could the City roll the 1.39 million into the note and still have \$40,000 or \$50,000 savings every year.

CM Evans stated yes there would still be substantial savings, however, could not put the entire 1.39 million in what was authorized as of today which is 1.32 million. There are options for what to do about this but it is not what the City anticipated happening.

Rogers Park Update:

CM Evans stated the group met again last week and this time had a presentation from the original designers of the playground, Kids Korner, and the presentation was from the son of original owner who is now taking over the business and he showed the group options for potentially doing rehabs or total rebuilds. There was talk about safety surfacing as most playgrounds today are designed with a really good rubber padded type of safety surfacing making them ADA complaint for easier wheelchair access. Do not have to absolutely do this on the entire playground, could rebuild fifty percent and have fifty percent handicapped accessible, which can add great expense to the project but we heard a variety of ideas with the dollar amount \$300 to \$400,000 batted around of what it might cost to redo this. CM Evans stated he does not think this deterred any of the group as Mrs. VanDyken, Mr. Yandell, and Commissioner Polk were present as well. There was also talk about a float in the Christmas parade which will be for Kids Korner and they are trying to get some publicity on the fundraising for this. Chuck Johnson will donate the trailer for the float and they will meet Saturday at 9:00 am to talk about some of the design ideas and try to get the work done the next two weekends. Anybody with spare time is encouraged to come as this is just volunteers trying to get together and build a float to bring some attention to the fundraising efforts of Rogers Park.

Commissioner Polk stated it has also been approved as a 503C organization.

CM Evans stated correct a nonprofit organization has been established by Chuck Johnson and Ashley Hunt and they may also be working on a website.

CM Evans stated ending on a real positive note he received an e-mail from Dan Robuck last week and read it to the Commission. "Jay, I called the Electric Department yesterday to report a problem, my well for the grove had a problem, called the electrician I normally use and he said that when he put the meter on neutral and touched phase one and three the reading was zero, all rest of the readings were fine. Relayed this information to Tony at the City Electric Department at 1:38 pm and he called back at 2:18 pm saying they were on site and did I want to meet them. I told them I do not know

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anything about electricity but would be happy to meet them if necessary. He called back at 2:48 pm saying they had found a snake inside the transformer that had shorted something out, blown a fuse and everything was fixed. If anyone told me it would be fixed something within an hour I would have laughed. Here we have a governmental agency doing what private enterprise rarely does. They greatly exceeded any expectations that I had, totally unbelievable. You should be very proud of the service your Electric Department is providing and maybe the City could please take over Cablevision”.

PUBLIC COMMENTS:

None

ROLL CALL:

Commissioner Polk reiterated the point he has attended all FMPA meetings for several years now and Paul Kalv, our head electric guy, and Leesburg are very well respected in the FMPA and people look to Leesburg to guide their towns to better their services as most of the problems these smaller towns are having Leesburg has already been through and Paul and his staff have done a great job for Leesburg. ED Kalv stated the City has a good team.

Commissioner Christian stated he was glad to report the trail construction is under way behind the Gymnasium and the retention pond in Carver Heights so he called the City Manager and asked why not just clear a little bit more area so residents can connect the trail with the retention pond and staff went out and did a little extra cleaning. Commissioner Christian stated the residents were a little excited about the fact they can now walk between McCormick Street and get to the school or gymnasium. Commissioner Christian also said he went to the West Orange Trail in Orlando to see how Apopka has the over pass over the road and he is excited about Leesburg having a trail which is going to be so long it even goes down Highway 44 and it is a great thing. While downtown on Saturday, at the farmers market, Commissioner Christian stated he ran into Joe Shipes and Mr. Shipes was upset about the planting the City did not have downtown so hopefully staff is working with him when there are events and at least make sure when we bring that many people downtown, there are nice plants to make a beautified downtown.

Mayor Henderson stated this is unusual because staff usually keeps the grounds in good shape.

CM Evans stated there is a schedule staff is on with its own green house and when something like the Hog Rally comes up which does not fit within the plant schedule, plants are not ready or not big enough to be planted, which makes it rough.

Commissioner Christian suggested to the City Manager, with the two new Commissioners coming on, hopefully a vision session can be planned with all Commissioners to see where we are and what we are planning to do. Commissioner Christian stated he would love to see Leesburg have a plan for this year and maybe for the next five years.

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Commissioner Polk stated he would like to have the meeting after the first meeting of the New Year so we can listen to our new Commissioners and find out what they want to do, see where they think, and the City should work together.

Commissioner Christian stated he would also like to have the Department Heads present to let the Commission know what is realistic, what can or cannot be done, and would love for the Department Heads to update all Commissioners of where the City is on all projects to get everyone on same page.

CM Evans asked the Commission if they would like the vision session at the first Monday in January, the organizational meeting, and of course the second Monday would be the regular Commission meeting or would the first Thursday to have the meeting be better.

Commissioner Polk stated he thinks the meeting should be in the middle of month. CM Evans stated maybe the workshop can be held on the third Monday.

Mayor Henderson stated she will look forward to reading about it in the newspaper.

Commissioner Christian stated he would love to see the Commission get into a sit down, taking off your tie and really having some good ideas, throwing things out, not just coming to a program meeting but really have a workshop where people come in and all are able to ask the Department Heads questions and get answers.

Commissioner Christian told Mayor Henderson she has done a fine job keeping them straight.

Commissioner Knowles: nothing

Mayor Henderson stated Robert Sargent has worked hard on the display of the murals from Citizens Bank as part of the 500th Florida birthday. The display will be held at the Center for the Arts Thursday evening from 5:00 to 7:00 p.m. at the Center for the Arts. Mayor Henderson encouraged all to attend. Mayor Henderson also mentioned Bert Bolick, with Lake Glass and Mirror, as he and staff have done all the fixing up, getting them in shape, repairing and framing them; the City will get six murals and the others will go to nonprofit organizations to use at their fundraisers for people to bid on. These murals are big, but they were outside in the elements, being the wall, so you could put them in your yard and also some are going to be cut down to more of a picture size you could hang in your home. Mayor Henderson stated the murals are supposed to be really beautiful with the light behind them and they were beautiful at the Citizens Bank for a long time and many kids of Leesburg learned their Florida history with these windows.

ADJOURN:

Commissioner Knowles moved to adjourn the meeting and Commissioner Polk seconded the motion. The meeting adjourned at 6:34 p.m.

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Mayor

ATTEST:

Betty M. Richardson
City Clerk

J. Andi Purvis
Recorder